



**CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
WALLACE J. PUCHALSKI MUNICIPAL BUILDING
212 MAIN STREET, NORTHAMPTON
Northampton, MA
January 15, 2015**

MEETING MINUTES

As Amended in City Council Meeting of Feb. 5, 2015

Roll Call

A regular meeting of the City Council was called to order by City Council President, William H. Dwight at 9:05 p.m. On roll call, seven (7) Councilors were present:

At-Large Councilor Jesse M. Adams
At-Large Councilor William H. Dwight
Ward 1 Councilor Maureen T. Carney
Ward 3 Councilor Ryan R. O'Donnell
Ward 4 Councilor Gina-Louise Sciarra
Ward 6 Councilor Marianne L. LaBarge
Ward 7 Councilor Alisa F. Klein

Two Councilors were Absent:
Ward 2 Councilor Paul D. Spector
Ward 5 Councilor David A. Murphy

Public Hearings

15.349 Announcement of Public Hearing
National Grid Pole Petition for Burncolt Road: February 5, 2015 / 7:05pm / 212 Main Street, Northampton MA

Councilor Dwight announced that there will be a Public Hearing for a National Grid Pole Petition request made for a location on Burncolt Road. The Hearing will be February 5, 2015 in City Council Chambers at 7:05 pm.

**Communications
From the Mayor**

Annual DPW Employee of the Year Recognition

The Employee of the Year Recognition has been postponed.

Presentation on City of Northampton Information Technology (IT) Assessment by Richard Daley, Edward J. Collins, Jr. Center for Public Management

The Presentation regarding the Northampton Information Technology Assessment Report has been postponed.

**Proclamations,
Resolutions,
Recognitions and
One-Minute
Announcements**

None

Presentations

None

**Licenses &
Petitions**

Licenses & Petitions:

Petition for a Taxi Cab License for Cosmic Cab of 78 Conz Street, Northampton (Owner: Jeffrey Miller, 3 Market St., Northampton)

Mr. Miller has been before City Council in the past representing Cosmic Cab. All required documentation is on file for the additional vehicle and taxes are paid in full; Councilor Adams moved to approve the petition; Councilor O'Donnell seconded the motion. The motion was approved on a voice vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).

**Taxi Cab
Petition Approved**

<u>Street Petition Approved</u>	<p>Petition to Accept as Public Roadway: Scanlon Ave. <i>(Positive Recommendation from the Board of Public Works (8/20/2014) and the Planning Board (12/11/2014); 1st Reading.</i></p> <p><i>Councilor LaBarge moved to approve the petition in first reading; Councilor Carney seconded the motion. The motion was approved on a voice vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).</i></p> <p><u>See minutes of February 5, 2015 for second reading.</u></p>
<u>Approval of City Council Minutes</u>	<p>Minutes of the City Council Meeting for Dec. 18, 2014</p> <p><i>Councilor Klein moved to approve the minutes of Dec. 18, 2014; Councilor Sciarra seconded the motion.</i></p> <p><i>Councilor Sciarra requested a correction to the recorded vote to postpone 1st reading of the Valley CDC Financial Order. The vote was corrected to reflect Councilor Sciarra's "No" vote.</i></p> <p><i>Councilor O'Donnell requested a correction to the recording of the vote to consider 14.305 (City Council Salaries and 14.309 (School Committee & Other Salaries) as a group. The corrected vote is as follows:</i></p> <p><i>Councilor O'Donnell moved to take the City Council and School Committee items as a group; Councilor Carney seconded the motion. The motion passed on a voice vote of 6 Yes, 3 No (Councilors Dwight, Murphy and Spector).</i></p> <p><u>The minutes were approved as amended on a voice vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).</u></p>
<u>Reports of Committees, Appointments & Elections</u>	<p><u>Appointments</u></p> <p><u>New Appointment to the Community Preservation Committee:</u></p> <p>14.332 Toni Hochstadt of 22 Fruit Street, Northampton: Ms. Hochstadt will replace Joe DeFazio on the CPC as the Northampton Housing Authority Representative and her term will expire January, 2018. <i>(Positive Recommendation from the Committee on Rules, Orders, Appointments & Ordinances)</i></p> <p><i>Councilor Carney moved to approve the appointment of Toni Hochstadt to the Community Preservation Committee; Councilor LaBarge seconded the motion. The motion was approved on a voice vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).</i></p> <p><u>New Appointment to the Northampton Arts Council:</u></p> <p>14.345 Esther White of 17 Summer St, Northampton: Ms. White, upon approval, will fill the unexpired term of Sarah Marcus and her term will expire on June 30, 2015. <i>(Positive recommendation from the Committee on Rules, Orders, Appointments & Ordinances)</i></p> <p><i>Councilor O'Donnell moved to approve the appointment of Esther White to the Northampton Arts Council; Councilor LaBarge seconded the motion. The motion was approved on a voice vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).</i></p> <p><u>New Appointment to the Agricultural Commission:</u></p> <p>15.354 Timothy Smith of 13 River Road: Mr. Smith, if approved, will fill the unexpired term of Margaret Gifford. The term of this appointment will expire June, 2017. <i>(Refer to the Committee on Rules, Orders, Appointments and Ordinances)</i></p>
<u>Appointment Approved</u>	
<u>Appointment Approved</u>	

<u>Appointment Referred</u>	<i>Councilor O'Donnell moved to refer the appointment of Timothy Smith to the Committee on Rules, Orders, Appointments and Ordinances; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).</i>
<u>Recess for Finance Committee</u>	At 11:30 pm, the City Council took a recess for Finance Committee.
<u>Financial Orders</u>	<p>A. 15.350 Financial Order to Surplus Parking Spaces for Trash Receptacles (<i>1st Reading</i>)</p> <p><i>Councilor Adams moved to approve the order in 1st reading; Councilor LaBarge seconded the motion. The motion was approved on a Roll Call vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).</i></p> <p><u>See minutes of Feb. 5, 2015 for 2nd Reading.</u></p> <p>B. 15.351 Financial Orders for Budgetary Transfers (<i>1st Reading</i>)</p> <p><i>Councilor O'Donnell moved to approve the order in 1st reading; Councilor LaBarge seconded the motion. The motion was approved on a Roll Call vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).</i></p> <p><u>See minutes of Feb. 5, 2015 for 2nd Reading.</u></p> <p>C. 15.352 Financial Order for Free Cash for NPS McKinney Vento Transportation Fund (<i>1st Reading</i>)</p> <p><i>Councilor O'Donnell moved to approve the order in 1st reading; Councilor Adams seconded the motion. The motion was approved on a Roll Call vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).</i></p> <p><u>See minutes of Feb. 5, 2015 for 2nd Reading.</u></p> <p>D. 15.353 Financial Order for Free Cash for Stabilization & Capital Stabilization (<i>1st Reading</i>)</p> <p><i>Councilor O'Donnell moved to approve the order in 1st reading; Councilor Sciarra seconded the motion. The motion was approved on a Roll Call vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).</i></p> <p><u>See minutes of Feb. 5, 2015 for 2nd Reading.</u></p> <p>E. 14.344 Financial Order Regarding James House (<i>2nd Reading</i>)</p> <p><i>Councilor LaBarge moved to approve in second reading; Councilor Sciarra seconded the motion.</i></p> <p><i>Mayor Narkewicz requested to amend the Financial Order so that the final paragraph allowed for up to 10 parking spaces in the James House Parking Lot.</i></p> <p><i>Councilor Klein moved to amend the Order as recommended by Mayor Narkewicz; Councilor LaBarge seconded the motion. The amendment was approved on a voice vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).</i></p> <p><i>The Order was approved as amended on a Roll Call Vote of 7 Yes, 0 No, 2 Absent</i></p>

(Councilors Murphy and Spector).

The following order passed in second reading:

City of Northampton
MASSACHUSETTS

In City Council December 18, 2014

Upon recommendation of the Mayor

Ordered, that

WHEREAS, the City owned building known as the James House on Gothic Street is suitable for educational and other public service uses to benefit the residents of the municipalities within the area formerly known as Hampshire County; and

WHEREAS, three year leases to educational and other public service entities will allow the City to preserve the James House while generating revenue for the maintenance of the building; and

WHEREAS, M.G.L. c. 30B, s. 16 requires a vote of the City Council to surplus any interest in public property prior to its disposal,

Now therefore, be it

Resolved, that the James House property, including up to 10 parking spaces in the James House Parking Lot, is available for six years for educational and other public service uses, and that leases will be executed by the Mayor.

Enrolled Rules suspended, passed two readings and enrolled.

F. Community Preservation Committee Recommendations for Funding *(2nd Reading):*

*14.334 Bridge Street Cemetery
14.335 HAP 129 Pleasant Street
14.336 Historic Northampton
14.337 Playground Rehabilitation Jackson Street School
14.338 Pomeroy Terrace
14.339 Pulaski Park Design
14.340 Saw Mill Hills
14.341 Seth Thomas Clock*

Councilor LaBarge moved to approve the above Financial Orders as a group; Councilor Carney seconded the motion. The Orders were approved on a Roll Call Vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).

The following order passed in second reading:

City of Northampton
MASSACHUSETTS

In City Council, December 18, 2014

Upon the recommendation of the Community Preservation

Committee

Ordered, that

WHEREAS, the Northampton Department of Public Works submitted an application for Community Preservation Act funding to develop a Preservation Plan for the Bridge Street Cemetery;

WHEREAS, the grant would provide a multi-year program to preserve and restore this important historic cemetery;

WHEREAS, the plan will include mapping, historical research, and gravestone and monument assessment;

WHEREAS, on December 3, 2014 the Northampton Community Preservation Committee, voted unanimously to recommend that \$16,400 in Community Preservation Act funds be used to support phase 1 B and C, and Phase 2 B as outlined in the project budget.

NOW, THEREFORE BE IT ORDERED,

That \$16,400 be appropriated from Community Preservation Act funding to the Northampton Department of Public Works for the Bridge Street Cemetery Preservation Plan. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$16,400 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

Enrolled

Rules suspended, passed two readings and enrolled.

The following order passed in second reading:

**City of Northampton
MASSACHUSETTS**

In City Council, December 18, 2014

Upon the recommendation of the Community Preservation Committee

Ordered, that

WHEREAS, HAP, Inc. submitted an application for Community Preservation Act funding for the 129 Pleasant Street Affordable Housing Project.

WHEREAS, the project will provide approximately 48 units of affordable rental housing. The units will be a mix of studio and one-bedroom apartments, 60% of which will be restricted to those households earning 60% or less of Area Median Income;

WHEREAS, suitable affordable housing is a housing type that is in demand locally and regionally.

WHEREAS, the HAP, Inc. has an excellent record of creating affordable housing.

WHEREAS, on December 3, 2014, the Northampton Community Preservation Committee, voted unanimously to recommend that \$300,000 in Community Preservation

Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That \$300,000 be appropriated from Community Preservation Act funding to HAP, Inc. for the 129 Pleasant St Affordable Housing Project for creation of 48 affordable housing units. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$300,000 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

Enrolled **Rules suspended, passed two readings and enrolled.**

The following order passed in second reading:

**City of Northampton
MASSACHUSETTS**

In City Council, December 18, 2014

*Upon the recommendation of the Community Preservation
Committee*

Ordered, that

WHEREAS, Historic Northampton, Inc. submitted an application for Community Preservation Act funding to restore, renovate and stabilize basements, windows, and foundations, and protect historic artifacts;

WHEREAS, the grant would leverage \$33,425 in donor grants, Historic Northampton contributions and volunteer labor;

WHEREAS, CPA funds will be used to secure an important historic resource that is valued by the community and the region;

WHEREAS, all work will be consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties;

WHEREAS, on December 3, 2014 the Northampton Community Preservation Committee, voted unanimously to recommend that \$176,465 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That \$176,465 be appropriated from Community Preservation Act funding to Historic Northampton, Inc. to restore, renovate and stabilize basements and foundations. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$159,000 is appropriated from the CPA Historic Preservation Reserve (account #2344930-359932) and \$17,465 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

Enrolled **Rules suspended, passed two readings and enrolled.**

The following order passed in second reading:

City of Northampton
MASSACHUSETTS

In City Council, December 18, 2014

Upon the recommendation of the Community Preservation Committee

Ordered, that

WHEREAS, the Jackson Street School submitted an application for Community Preservation Act funding to rehabilitate the school's playground;

WHEREAS, the project will provide funding for design and construction costs to expand the school playground so that the school, its neighbors and all city visitors can have a healthy, sustainable playground;

WHEREAS, playground development shall include provisions to limit any parking impacts to adjacent neighborhoods

WHEREAS, on December 3, 2014, the Northampton Community Preservation Committee, voted unanimously to recommend that \$176,271 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That \$176,271 be appropriated from Community Preservation Act funding to the Jackson Street School for playground rehabilitation. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$176,271 is appropriated from the CPA Budgeted Reserve (account #2344930-359930)

Enrolled

Rules suspended, passed two readings and enrolled.

The following order passed in second reading:

City of Northampton
MASSACHUSETTS

In City Council, December 18, 2014

Upon the recommendation of the Community Preservation Committee

Ordered, that

WHEREAS, the Northampton Historical Commission submitted an application for Community Preservation Act funding to submit an application for placement of the Pomeroy Terrace Area on the National Register of Historic Places;

WHEREAS, the grant would be used to hire the Pioneer Valley Planning Commission to finalize and submit the application;

WHEREAS, the grant would be leverage \$2,000 in additional funding from Northampton

Office of Planning & Sustainability and Pioneer Valley Planning Commission;

WHEREAS, on December 3, 2014 the Northampton Community Preservation Committee, voted unanimously to recommend that \$4,375 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That \$4,375 be appropriated from Community Preservation Act funding to the Northampton Historical Commission to submit an application for placement of the Pomeroy Terrace Area on the National Register of Historic Places. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$4,375 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

Enrolled

Rules suspended, passed two readings and enrolled.

The following order passed in second reading:

City of Northampton
MASSACHUSETTS

In City Council, December 18, 2014

Upon the recommendation of the Community Preservation Committee

Ordered, that

WHEREAS, the Northampton Board of Public Works submitted an application for Community Preservation Act funding that included preparation of design plans and construction documents for the proposed overlook portion of Pulaski Park.

WHEREAS, Pulaski Park is an important downtown resource, and the project will build upon existing work and public process to rehabilitate the Park, as well as inclusion of additional public input.

WHEREAS, the project meets the goals of the Sustainable Northampton Plan and the Open Space, Recreation and Multiuse Plans.

WHEREAS, the City Council and CPA in 2013 granted \$194,500 in CPA funds to support this project.

WHEREAS, on December 3, 2014, the Northampton Community Preservation Committee, voted unanimously to recommend that \$54,000 in CPA funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That \$54,000 be appropriated from Community Preservation Act funding to the Northampton Public Works Commission for the Pulaski Park Renovation Project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$54,000 is appropriated from the CPA Budgeted Reserve (account

#2344930-359930).

Enrolled

Rules suspended, passed two readings and enrolled.

The following order passed in second reading:

**City of Northampton
MASSACHUSETTS**

In City Council, December 18, 2014

*Upon the recommendation of the Community Preservation
Committee*

Ordered, that

WHEREAS, the Northampton Conservation Commission and Northampton Office of Planning and Sustainability submitted a CPA application for purchase of a 50-acre parcel to add to the Saw Mill Hills Conservation Area.

WHEREAS, this parcel is located directly north of the parcel that was purchased in 2013 and will provide additional access and opportunities for connecting trails, and serve as a continuing link with the Mineral Hills.

WHEREAS, the project meets the goals of the Sustainable Northampton Plan, Northampton Community Preservation Plan, and Open Space, Recreation and Multiuse Trail Plan to protect open space and provide for passive recreation.

WHEREAS, the Conservation Commission will develop a parking area and informational displays to serve users of the Saw Mill Hills trail network,

WHEREAS, on December 3, 2014, the Northampton Community Preservation Committee voted to recommend that \$116,200 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That \$116,200 be appropriated from Community Preservation Act funding to the Northampton Conservation Commission and Northampton OPS for the Saw Mill Hills Open Space Acquisition Project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$116,200 is appropriated from the CPA Open Space Reserve (account #2344930-359931).

Enrolled

Rules suspended, passed two readings and enrolled.

The following order passed in second reading:

**City of Northampton
MASSACHUSETTS**

In City Council, December 18, 2014

*Upon the recommendation of the Community Preservation
Committee*

Ordered, that

WHEREAS, the Northampton Office of Planning & Sustainability submitted an application for Community Preservation Act funding to purchase the Seth Thomas clock;

WHEREAS, the grant would be to purchase the clock formerly located on the corner of Main Street and Strong Avenue. The privately owned clock was originally dedicated by Calvin Coolidge, and sat at that location for nearly one hundred years;

WHEREAS, the clock shall be stored in an appropriate weather-safe location that will preserve and secure it until it is restored;

WHEREAS, the clock will ultimately be installed in a highly visible public downtown location at which point a permanent Historic Preservation Restriction will be created;

WHEREAS, the clock or any of its components shall not be disposed of without City Council approval;

WHEREAS, on December 3, 2014 the Northampton Community Preservation Committee, voted 5-1 to recommend that \$20,000 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That \$20,000 be appropriated from Community Preservation Act funding to the Northampton Office of Planning & Sustainability to purchase the Seth Thomas clock. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$20,000 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

Rules suspended, passed two readings and enrolled.

Enrolled

G. 14.342 CPC Order for VDCDC Lumberyard (*1st Reading postponed from Dec. 18, 2014 meeting; Council asked to consider 2 readings if deadline for project submission to state requires local funding commitment in place before Feb. 5 Council Meeting*).

Councilor LaBarge moved to approve the financial order in first reading; Councilor Klein seconded the motion.

Councilor Carney commented that there is vast consensus that the mission to approve a project for affordable housing in Northampton is a noble one; Councilor Carney's concerns center around using CPA funding in the face of vehement opposition of the project by surrounding property owners due to the project scope, design, and process for approval/community input.

Councilor LaBarge voiced concern about the process for community input / abutter feedback regarding project design. Councilor LaBarge also corrected the perception that the project has no playground; in the plans that she reviewed there was a playground as part of the project. She suggested a meeting citywide where the community could provide feedback.

Councilor O'Donnell moved to recognize CPC Chair Downey Meyer; Councilor Sciarra seconded the motion. Mr. Meyer outlined the process to date:

In the Wed. Oct. 15, 2013 Gazette newspaper, Valley CDC announced plans to purchase the Northampton Lumber Yard for an affordable housing project. In general, Community Preservation Committee has hearings and, as part of the

committee's standard operation procedures, there is ample opportunity for public comment and public discussion about projects under consideration during the presentation phase of such projects. Mr. Meyer believes that the CPC has given project stakeholders proper context for this project and ample opportunity to provide feedback. Mr. Meyer also indicated that two readings for this project was not required at this time; the Council could do a first reading tonight and a second reading on Feb. 5th without jeopardizing funding commitment requirements as part of the application phase to the state.

Councilor Adams points out that if put to vote tonight, this order may not pass in first reading.

Councilor Klein thinks that the Council needs to move forward with this project vote. Tweaking may be necessary; however, it would be a missed opportunity if the project did not move forward.

In quoting former Governor Mario Cuomo, Councilor O'Donnell reminded the Council that poverty is not glamorous and that the mission to support affordable housing should be a beacon for Northampton. Proponents of the Valley CDC project remind us that while not glamorous, affordable housing is necessary in our community.

Councilor Sciarra is impressed with how much the Valley CDC has listened to stakeholders and revised plans in answer to concerns raised. Councilor Sciarra cited the suggestion that more retail space be incorporated; the project was modified to now have double the amount of retail space.

Councilor Dwight reminded the Council that the project is in a great location and in close proximity to many city amenities. He compared this project to Hampden Court which has no parking and no playground. Similarly, however, both projects have retail space. Councilor Dwight reminded the Council that CPC was set up with overwhelming support; 75% of the people who voted in the election with the CPC question on the ballot supported its inception.

Councilor LaBarge made a motion to postpone the vote on this item until all council members have had a chance to weigh in on this issue; Councilor O'Donnell seconded the motion. The motion to postpone was approved on a Roll Call Vote of 4 Yes, 3 No (Councilors Adams, Dwight and Klein), 2 Absent (Councilors Murphy and Spector).

See minutes of Feb. 5, 2015 for further discussion on this item.

**Orders and
Ordinances**

14.346 Order Regarding Special Legislation (2nd Reading)

Councilor Adams moved to approve the Order in second reading; Councilor Sciarra seconded the motion. The motion was approved on a Roll Call Vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).

Mayor Narkewicz summarized the process for transferring a liquor license and what role the City plays in establishing a market value of any liquor license that is transferred:

When an establishment changes hands, according to the law, a new owner files an application for transfer of the liquor license with the City's License Commission. The application is then submitted to the Massachusetts Alcoholic Beverage Control Commission (ABCC) for state approval. There are filing fees for the applications involved in this transfer, however, the two parties may further agree to a market value of the license. This is not regulated by the state, or by the city, and the parties can agree to any amount. Opponents to the proposed order suggest that adding more liquor licenses will devalue their license and consider it unfair that others can get a license at a substantially lower cost.

The issue of fairness is not a governmental issue as the City plays no role in establishing a market price or value for the license.

The following Order passed second reading:

**City of Northampton
MASSACHUSETTS**

In City Council December 18, 2014

Upon recommendation of the Mayor

Ordered, that

- Whereas, the City of Northampton has a vibrant downtown with unmatched entertainment, restaurant, and retail offerings; and
- Whereas, the City of Northampton is over quota for all-alcohol licenses established in section 17 of Chapter 138 of the Massachusetts General Laws; and
- Whereas, in September 2014 the Northampton License Commission solicited applications for an all-alcohol license that became available following a revocation and six existing Northampton restaurants applied; and
- Whereas, Healthy Karma, LLC d/b/a Hinge, RIAS BAIXAS LLC d/b/a Ibiza Tapas, Local Burger LLC d/b/a Local Burger, OBCT Inc., d/b/a Sierra Grille and Sylvester's Fine Foods Inc., d/b/a Sylvester's Restaurant were qualified but not selected in the final random lottery drawing for the license; and
- Whereas, the inability to serve all-alcohol beverages hinders these five existing restaurants from expanding offerings and bringing additional patrons and revenue to Northampton; and
- Whereas, earlier this year Governor Patrick proposed economic development legislation eliminating the Commonwealth's outdated liquor license quota system to give cities and towns local control over the process;

and

Whereas, this much-needed reform was included in a version of that bill adopted by the Senate, was not included in a House version, and was ultimately not part of the final economic development bill signed into law; and

Whereas, special legislation remains the only means for allowing the City of Northampton to issue over quota annual all-alcohol restaurant liquor licenses to strengthen and enhance the economic vitality of our downtown and community.

NOW, THEREFORE, BE IT ORDERED:

That the Mayor is authorized and directed to seek special legislation as follows:

An Act authorizing the City of Northampton to issue five above quota annual all-alcohol restaurant licenses to the following businesses: Healthy Karma, LLC d/b/a Hinge, RIAS BAIXAS LLC d/b/a Ibiza Tapas, Local Burger LLC d/b/a Local Burger, OBCT Inc., d/b/a Sierra Grille and Sylvester's Fine Foods Inc., d/b/a Sylvester's Restaurant. Be it enacted by the Senate and House of Representative in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding section 17 of Chapter 138 of the General Laws, and in addition to any authorized by existing special legislation, the licensing authority of the City of Northampton may issue above quota annual all-alcohol restaurant licenses to Healthy Karma, LLC d/b/a Hinge, RIAS BAIXAS LLC d/b/a Ibiza Tapas, Local Burger LLC d/b/a Local Burger, OBCT Inc., d/b/a Sierra Grille and Sylvester's Fine Foods Inc., d/b/a Sylvester's Restaurant. The licenses authorized hereunder shall be subject to all of the provisions of said Chapter 138 except section 17. Upon revocation of any license authorized hereunder or upon the cessation of business of the licensee or failure of licensee to exercise the license for six (6) consecutive months the license shall, after hearing, revert to the City for re-issuance to another licensee.

Enrolled Rules suspended, passed two readings and enrolled.

14.343 Ordinance to Correct Parking Details to Chapter 312
(Positive Recommendation from Committee on Rules, Orders, Appointments & Ordinances; 1st Reading).

Councilor O'Donnell moved to approve the Ordinance in 1st reading; Councilor Carney seconded the motion.

In addition to the corrections noted in the Ordinance, Councilor O'Donnell recommended to correct the spelling of "Ahwaga Avenue". The motion was approved as amended on a Roll Call Vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).

See minutes of Feb. 5, 2015 for second reading.

For the purpose of discussing elected official compensation, Councilor Klein moved to recognize all of the members of the Elected Officials Advisory Committee; Councilor Adams seconded the motion. The motions was approved on a voice vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).

Committee Chair Thompson asked a clarifying question: if the Council votes no for the Ordinance pertaining to benefits, doesn't the health benefits revert back to what is already in code, which is to keep health benefits? The wording in the proposed Ordinance seems to update the Smith Vocational Elected Official Title, remove the retirement benefit, but does not introduce what was recommended by

the Committee.

Councilor Adams stated that the Ordinance was sponsored by the Mayor and came to City Council for consideration. Although the Committee gave recommendations in their report, no Ordinances were brought forward with the Committee's recommendations for the Council to consider.

Councilor Sciarra asked a question about the committee's recommendation to provide equity and fairness to all elected officials. She indicated that for some elected officials, the recommendations proposed by the Committee would end up being a net loss in overall compensation. Chair Thompson indicated that Committee strived for a proposal that was best for the City. The Committee had no way of knowing how or who would be affected by their recommendations. The Committee agreed and recognized that a school committee member, for example, who was receiving full family health care benefits, would be negatively affected by the recommendation.

Chair Thompson pointed out that when coming up with their recommendations, the committee considered three factors:

Equity in position – the committee asked why should a part time employee, such as a librarian, for example, not be eligible for health care benefits but an elected official is?

Equity within the elected officials group–the committee considered acknowledged that some elected officials earn stipend only while others earn more because they also take the City's Health Care option.

Conflict– the fact that the Council voted on their own benefits was considered. These three issues alone trumped using the benchmarking data (regarding surrounding community benefits) as a sole source when it came to presenting final recommendations.

Chair Thompson shared that the process of understanding the role of the elected official included inviting all elected officials to meet with the committee to share what they actually did, what the time commitments were, etc. He feels that the process was fair and transparent; he indicates that all of what the committee did is included in the report.

Councilor Klein raised the question about elected official compensation "policy". She spoke of establishing a compensation package that would attract a diverse group of candidates. Mr. Thompson indicated that this was beyond the scope of the committee.

Both Councilor Dwight and Councilor Carney spoke in favor of not only keeping health care benefits for elected officials, but also in favor of making health care benefits available to more part time employees.

Committee Member Dennis L. Helmus indicated that M.G.L. Chapter 32B governs city and town benefit laws. In 2011 with the Healthcare Reform Act, Cities and town can now decide whether or not they wanted to give health insurance benefits to elected officials. By executive order of the Mayor, a city can choose to make benefits available. Northampton's City Charter indicates that elected officials shall receive health insurance benefits. According to MMA only 40% of the cities and towns in Massachusetts offer health insurance benefits to elected officials. The trend is moving away from making health care benefits available to elected officials.

Councilor Dwight moved to postpone 14.304 (benefits), 14.305 (City Council Salary), and 14.309 (School Committee and Other Salaries); Councilor O'Donnell seconded the motion. The motion failed on a Roll Call Vote of 3 Yes, 4 No (Councilors Adams, Klein, LaBarge, and O'Donnell), 2 Absent (Councilors

Murphy and Spector).

Ordinances Regarding Salaries & Benefits for Elected Officials 14.304 Benefits
(2nd Reading).

*Councilor Adams moved to approve the Ordinance pertaining to benefits;
Councilor LaBarge seconded the motion. The motion was approved on a Roll
Call Vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).*

The following order passed in second reading:

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Fourteen

UPON THE RECOMMENDATION OF THE MAYOR

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances
City of Northampton, Massachusetts, be amended by revising section 5, §5-5B of said Code
providing that

Compensation of Elected Officials

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as
follows:

Section 1. That section 5, §5-5 B of the Code of Ordinances of the City of Northampton,
Massachusetts, be amended so that such section shall read as follows:

"Section

B. Benefits and Expenses. The Mayor, City Clerk, City Council, School Committee,
and Trustees of Smith Vocational and Agricultural High School (also known as
Superintendents of Smith's Agricultural School) shall be eligible to enroll in the city's
municipal health insurance program and retirement plans.

**Ordained and
Enrolled**

Rules suspended, passed two readings, ordained and enrolled.

*Councilor LaBarge moved to approve 14.305 (City Council Salary) Ordinance;
Councilor Klein seconded the motion.*

*Due to the late hour and the fact that two members of the Council were absent,
Councilor Carney moved to postpone the vote on the City Council Salary
Ordinance; Councilor Dwight seconded the motion. The motion was approved
on a Roll Call vote of 5 Yes, 2 No (Councilors Adams and O'Donnell), 2 Absent
(Councilors Murphy and Spector).*

See minutes of Feb. 5, 2015 for further discussion on this item.

14.309 School Committee & Other Salaries

Councilor Carney moved to postpone; Councilor Adams seconded the motion; the motion was approved on a voice vote of 6 Yes, 1 No (Councilor O'Donnell), 2 Absent (Councilors Murphy and Spector).

See minutes of Feb. 5, 2015 for further discussion on this item.

Ordained and
Enrolled

14.306 City Clerk Salary (As revised in City Council Dec. 18, 2014)

14.308 Mayor Salary

Councilor Carney moved to approve the above Ordinances as a group; Councilor LaBarge seconded the motion. The motion was approved on a Roll Call Vote of 6 Yes, 1 No (Councilor O'Donnell), 2 Absent (Councilors Murphy and Spector).

The following Ordinance passed in second reading:

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand Fourteen

UPON THE RECOMMENDATION OF THE MAYOR

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances City of Northampton, Massachusetts, be amended by revising section 5-5A of said Code providing for

Compensation of Elected Officials

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

That section 5-5A of the Code of Ordinances of the City of Northampton, Massachusetts, be amended to read as follows:

Section 5-5A

Compensation. Elected officials' annual compensation for those specified below shall be as follows:

	Until January 4, 2016	As of January 4, 2016
City Clerk	\$74,000	\$74,000

Ordained and
Enrolled

Rules suspended, passed two readings, ordained and enrolled.

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Fourteen

UPON THE RECOMMENDATION OF CITY COUNCIL PRESIDENT WILLIAM DWIGHT

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances City of Northampton, Massachusetts, be amended by revising section 5-5A of said Code providing for

Compensation of Elected Officials

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

That section 5-5A of the Code of Ordinances of the City of Northampton, Massachusetts, be amended to read as follows:

Section 5-5A

Compensation. Elected officials' annual compensation for those specified below shall be as follows:

	Until January 4, 2016	As of January 4, 2016
Mayor	\$80,000	\$92,500

Ordained and
Enrolled

Rules suspended, passed two readings, ordained and enrolled.

Councilor Carney moved to refer as specified the following items as a group; Councilor Adams seconded the motion. The motion was approved on a voice vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).

Ordinances Pertaining to Solid Waste Reduction

14.229 Ordinance pertaining to Solid Waste Reduction - Plastic Bag Restrictions

14.245 Ordinance pertaining to the list of Enforcing Offices & Penalties

(Refer to Public Works Commission and Public Works Committee)

14.347 Ordinance Regarding Bicycles & Pedestrian Facilities

(Refer to Committee on Rules, Orders, Appointments and Ordinances & Planning Board)

15.355 & 15.356 Ordinances Pertaining to Snow & Ice on Sidewalks

15.355 List of Enforcing Officers & Penalties for Non-Criminal Disposition

15.356 Snow & Ice Removal By Owner or Occupant Required

(Refer to Committee on Rules, Orders, Appointments & Ordinances)

Updates from
Council
President &
Committee
Chairs

None

Information
Requests
(Charter
Provision 2-7

None

New Business

None

Motion to
Suspend Rule 27
to end the
meeting after
11:00pm

At 10:45 pm Councilor Carney made a motion to stay past 11:00 pm to complete all items on the City Council agenda; Councilor Adams seconded the motion. The motion was approved on a voice vote of 7 Yes, 0 No, 2 Absent (Councilors Murphy and Spector).

Adjourn

At 11:45 p.m., a motion to adjourn was made by Councilor LaBarge and seconded by Councilor Sciarra. The vote to adjourn passed unanimously (9 Yes, 0 No).

Attest: , Clerk of Council

Record of Roll Call Votes of the Northampton City Council

ROLL CALL VOTE City Council 2014-2015		Councilor Jesse M. Adams	Councilor Maureen T. Carney	Councilor William H. Dwight	Councilor Alisa F. Klein	Councilor Marianne L. LaBarge	Councilor David A. Murphy	Councilor Ryan R. O'Donnell	Councilor Gina-Louise Scharra	Councilor Paul D. Spector	Total
Jan. 15, 2015 9:05 PM	Roll Called by Pamela L. Powers, Clerk of the City Council	Present	Present	Present	Present	Present	Absent	Present	Present	Absent	7 Present 2 Absent
15.350 Financial Order to Surplus Parking Spaces for Trash Receptacles (1st Reading)		Motion to Approve				Second	Absent			Absent	Motion carried 7 Yes, 0 No, 2 Absent
15.351 Financial Orders for Budgetary Transfers (1st Reading)		Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Absent	Motion carried 7 Yes, 0 No, 2 Absent
15.352 Financial Order for Free Cash for NPS McKinney Vento Transportation Fund (1st Reading)		Yes Second	Yes	Yes	Yes	Yes	Absent	Yes Motion to Approve	Yes	Absent	Motion carried 7 Yes, 0 No, 2 Absent
15.353 Financial Order for Free Cash for Stabilization & Capital Stabilization (1st Reading)		Yes	Yes	Yes	Yes	Yes	Absent	Yes Motion to Approve	Yes	Absent	Motion carried 7 Yes, 0 No, 2 Absent
14.344 Order Regarding James House (2nd Reading)		Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Absent	Motion to approve as amended 7 Yes, 0 No, 2 Absent

Record of Roll Call Votes of the Northampton City Council

ROLL CALL VOTE City Council 2014-2015		Councilor Jesse M. Adams	Councilor Maureen T. Carney	Councilor William H. Dwight	Councilor Alisa F. Klein	Councilor Marianne L. LaBarge	Councilor David A. Murphy	Councilor Ryan R. O'Donnell	Councilor Gina-Louise Searra	Councilor Paul D. Spector	Total
Jan. 15, 2015 9:05 PM	14.334 Bridge Street Cemetery		Second			Move to Approve as a Group	Absent			Absent	Motion carried 7 Yes, 0 No, 2 Absent
	14.335 HAP 129 Pleasant Street										
	14.336 Historic Northampton School	Yes	Yes	Yes	Yes	Yes		Yes	Yes		
	14.338 Pomeroy Terrace										
	14.339 Pulaski Park Design										
	14.340 Saw Mill Hills										
	14.341 Seth Thomas Clock (2 nd reading)										
Councilor LaBarge moved to approve all ordinances as a group. Councilor Carney seconded the motion. The Orders were approved on a Roll Call Vote.											
14.342 VODC Lumberyard (1 st Reading postponed from Dec. 18, 2014 meetings; Council asked to consider 2 readings if deadline for project submission to state requires local funding commitment in place before Feb. 5 Council Meeting).		No	Yes	No	No	Move to postpone to Feb. 5, 2015 Yes	Absent	Second	Yes	Absent	No vote taken to approve Motion carried 4 Yes, 3 No, 2 Absent
14.346 Order Regarding Special Legislation (2 nd Reading)		Motion to Approve	Yes	Yes	Yes	Yes	Absent	Yes	Second	Absent	Motion Carried 7 Yes, 0 No, 2 Absent
14.343 Ordinance to Correct Parking Details to Chapter 312 (Positive Recommendation from Committee on Rules, Orders, Appointments & Ordinances; 1 st Reading)		Yes	Second	Yes	Yes	Yes	Absent	Motion to Approve	Yes	Absent	Motion Carried 7 Yes, 0 No, 2 Absent
Councilor O'Donnell made a friendly amendment to the Ordinance to correct the spelling of Ahwaga Avenue; Vote reflects as amended.											

Record of Roll Call Votes of the Northampton City Council

ROLL CALL VOTE City Council 2014-2015		Councilor	Councilor	Councilor	Councilor	Councilor	Councilor	Councilor	Councilor	Councilor	Councilor	Total
Jan. 15, 2015 9:05 PM		Jesse M. Adams	Maureen T. Carney	William H. Dwight	Allisa F. Klein	Marianne L. LaBarge	David A. Murphy	Ryan R. O'Donnell	Gina-Louise Scharra	Paul D. Spector		
<i>Motion to postpone vote on 14.304, 14.305, 14.309</i>												
14.304 Benefits (2nd Reading)	No Motion to Approve	Yes	Yes	Yes	No	No	Absent	No	Yes	Absent		Motion Carried 7 Yes, 0 No, 2 Absent
14.305 City Council Salary (2nd Reading)	Yes	Yes	Motion to Postpone	Second	Yes	Yes	Absent	Yes	Yes	Absent		Motion to Postpone Carried 5 Yes, 2 No, 2 Absent
14.309 School Committee & Other Salaries (2nd Reading)	No	Yes	Motion to Postpone	Yes	Yes	Yes	Absent	No	Yes	Absent		Motion to Postpone Carried 6 Yes, 1 No, 2 Absent
14.306 City Clerk Salary (2nd Reading)												
14.308 Mayor Salary (2nd Reading)	Yes	Yes	Motion to Approve as a group	Yes	Yes	Second	Absent	No	Yes	Absent		Motion Carried 6 Yes, 1 No, 2 Absent
Adjourn @ 11:45pm												
Councilor LaBarge moved to adjourn; Councilor Scharra seconded the motion. Recorded by Pamela L. Powers Clerk of Council ppowers@northampton.gov (413) 587-1210												